

REMARKS

Upon entry of the claim amendments, Claims 14-54 will be all the claims pending in the application, of which Claims 14, 24, 34, and 44 are independent.

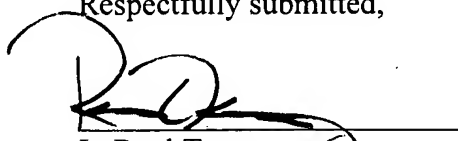
Claim 24 recites that A is not (1) a phenyl group substituted with (i) one methyl group and (ii) 0, 1, or 2 additional substituents selected from the group consisting of a methyl group and halogen atoms, or (2) a 5-indanyl group. Claim 24 is supported by the application as originally filed. As stated in In re Johnson, 558 F.2d 1008, 1019, 194 USPQ 187, 196 (CCPA 1977), where alternatives are positively recited in the specification, they may be explicitly excluded in the claims. In the present case, the specification positively recites (1) and (2) above at, for example, page 18, lines 9-13.

As for Claim 44, it recites that R³ is not 1,1-dioxidotetrahydro-2H-thiopyran-4-yl, which is also supported by the application as originally filed, in accordance with Johnson. For example, the specification positively recites the alternative of a tetrahydro thiopyranyl, wherein the sulfur atom of the ring may form a dioxide, at, for example, page 16, lines 13-21. In addition, the specification positively recites specific examples of compounds wherein R³ is 1,1-dioxidotetrahydro-2H-thiopyran-4-yl, such as, for example, compound no. 125 at page 67.

No new matter has been added.

Entry and consideration of this Amendment are respectfully requested.

Respectfully submitted,



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